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1. LIQUOR STATUTES

A. [Arizona Revised Statutes \(ARS\) Title 4](#) contains laws relating to the sale and consumption of alcoholic beverages.

- (1) ARS Title 4 also requires the director of the Arizona Department of Liquor Licenses and Control, under [ARS 4-210E](#), to receive and investigate all complaints of alleged violations of this chapter and title and any rule or regulation issued pursuant to this title or any condition imposed upon the licensee by the license.
- (2) When reporting **any** crime/incident occurring **on the property** of a licensed liquor establishment, officers **will** ensure *Alcohol Involved* is selected for the "Circumstances" in the Offense section of the Incident Report (IR) or Field Interview (FI).

B. Common Liquor Violations

(1) ARS 4-241L	<u>Using False Identification to Purchase Liquor - Class 1 misdemeanor</u> It is unlawful for persons under the age of 21 to use false identification to obtain liquor.
(2) ARS 4-241N	<u>Using False Identification to Gain Entrance to Licensed Establishment - Class 1 misdemeanor</u> It is unlawful for persons under the age of 21 to use false identification or the identification of another to gain entrance to a licensed liquor establishment.
(3) ARS 4-241O	<u>Authority to Suspend Driver's License</u> - Persons who use a driver or non-operating identification license in violation of ARS 4-241L or N are subject to suspension of their license. - The identification presented will be impounded as Evidence. - If the false identification is a driver or non-operating identification license, a Motor Vehicle Division (MVD) Officer's Affidavit of Arrest Form 40-1411 will be completed and signed by the arresting officer. - A copy of the affidavit will be made. - The original affidavit and the copy will be sent to DEB-H (HEAT) in an envelope marked "Liquor Detail." - DEB-H will be responsible for sending the affidavit to MVD within 15 days of the violation in order for suspension proceedings to begin.
(4) ARS 4-241Q	<u>Allowing Non-Family Minors to Drink in Home - Class 1 misdemeanor</u> - This prohibits an adult of legal drinking age from allowing two or more non-family or non-residing minors to drink in the adult's home. - This law was designed to reduce the serving of intoxicants at teenage parties and to place the responsibility on adults who allow this to occur.
(5) ARS 4-244.1	<u>Purchase, Sale, or Distribution of Liquor Without a License - Class 2 misdemeanor</u> It is unlawful for any person to buy for resale, sell, or deal in spirituous liquors in this state without having a lawful liquor license.
(6) ARS 4-244.9	<u>Underage Possession of Spirituous Liquor - Class 1 misdemeanor</u> - It is unlawful for persons under the age of 21 to buy, receive, possess, or consume spirituous liquor. OR <u>Furnishing Spirituous Liquor to Underage Persons – Class 1 misdemeanor</u> - It is unlawful to give, sell, furnish, etc., spirituous liquor to a person under the age of 21.

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1. B. Common Liquor Violations: (Continued)

(7) ARS 4-244.20	<u>Consumption of Spirituous Liquor in Public - Class 2 misdemeanor</u> - Consuming liquor in a public place, thoroughfare, or gathering in any manner is prohibited. - The license of a liquor licensee permitting a violation of this section on the premises shall be subject to revocation. - This paragraph does not apply to the sale of spirituous liquor on the premises of and by a retailer licensed for on-sale (on-site) privileges. - This paragraph does not apply to a person consuming beer from a broken package: for example, a can, bottle, or cup, in a public recreation area or on private property with permission of the owner or lessor or on the walkways surrounding such private property. - Refer to Phoenix City Code (PCC) 24-38 for possessing spirituous liquor in a public park.
(8) ARS 4-244.29	<u>Firearms in Bars (regarding patrons) - Class 2 misdemeanor</u> - Bar patrons <u>without</u> a permit cannot take firearms inside an establishment. - Bar patrons <u>with</u> a permit may carry a concealed handgun inside an establishment as long as the establishment has not posted a notice pursuant to ARS 4-229.
(9) ARS 4-244.30	<u>Firearms in Bars (regarding bar owners/employees)</u> - Bar owners and employees cannot knowingly permit a person in possession of a firearm, <u>without</u> a permit, to remain inside the establishment or buy or consume spirituous liquor. - Bar owners and employees cannot knowingly permit a person in possession of a firearm, <u>with</u> a permit, to buy or consume spirituous liquor
(10) ARS 4-244.31	<u>Firearms in Bars (regarding patrons)</u> Bar patrons in possession of a firearm cannot consume spirituous liquor.
(11) ARS 4-244.33	<u>Persons Under Age 21 Operating a Vehicle with Spirituous Liquor in Their Body</u> - It is unlawful for a person under the age of 21 years to be in physical control of a motor vehicle while there is any spirituous liquor in the person's body. - IRs generated for this violation are routed to the Vehicular Crimes Unit (VCU).
(12) ARS 4-244.41	<u>Persons Under Age 21 with Spirituous Liquor in Their Body</u> It is unlawful for a person under the age of 21 years to have in the person's body any spirituous liquor.
(13) ARS 4-251A1	<u>Consumption of Liquor While Operating or Riding in a Vehicle</u> - It is unlawful to consume spirituous liquor while operating or within the passenger compartment of a motor vehicle that is located on any public highway or right-of-way of a public highway. - IRs generated for this violation are routed to VCU.
(14) ARS 4-251A2	<u>Possession of Open Container of Liquor Within the Passenger Compartment</u> - It is unlawful to possess an open container of spirituous liquor within the passenger compartment of a motor vehicle that is located on any public highway or right-of-way of a public highway. - IRs generated for this violation are routed to VCU.

2. **LIQUOR ENFORCEMENT INSPECTIONS AND INVESTIGATIONS**

- A. In enforcing the provisions of ARS Title 4, any peace officer may conduct routine liquor inspections (RLIs) of any establishment or premises, while it is occupied: for example, open for business or cleaning, in accordance with [ARS 4-244.28](#):

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2. A. (1) While conducting a liquor inspection, officers should note the following:

- Business name and address
- Corporation name and address if applicable
- Liquor license number and expiration date exhibited
- Owners/managers name
- Name of onsite person in charge
- Employee records available
- ID Log is present and used
- Liquor is stored in authorized areas
- Any unauthorized liquor: for example, hard liquor at a beer/wine licensed establishment
- Fetal Alcohol sign displayed

(2) Covert liquor inspections will only be conducted by the Liquor Enforcement/HEAT units unless approved in advance by an immediate supervisor.

B. When officers encounter a liquor violation at any business establishment or premises, an IR will be completed with the following items thoroughly documented:

- Business name and address
- Corporation name and address if applicable
- Liquor license number and expiration date exhibited
- Owner/managers name
- Name of employees during violation
- Estimated number of patrons present at establishment/premises
- Type of premises; for example, pool hall, liquor store, restaurant
- All violations observed
- Amount and specific types of liquor or alcoholic beverage involved

C. Questions regarding enforcement, inspections, or requests for assistance can be directed to the Drug Enforcement Bureau (DEB) – Liquor Enforcement Detail at 602-438-6625.

3. **UNDERAGE POSSESSION OR CONSUMPTION OF SPIRITUOUS LIQUOR, [ARS 4-244.9](#)**

A. Investigative Procedures

(1) Proof of Age - It must be determined the defendant was under the age of 21 by:

- State driver license or identification card
- Employment identification or school ID card with picture and date of birth
- Statements from a relative, other than a spouse, or close friend, indicating the defendant's identity and age
- Statements from an employer indicating the defendant's identity and age (it is best if the witness resides locally so that they can be subpoenaed).
- Master Name Index (MNI) record, if it contains the date of birth and a photograph

(2) If picture identification is utilized, include in the IR the type of identification, date of birth (DOB), and any numbers: for example, driver license or employee number.

B. Jurisdiction - If an underage person is being charged with the consumption of spirituous liquor, [ARS 4-244.9](#), the investigating officer must:

- Determine where the actual act of consuming the spirituous liquor took place.
- Determine which court has jurisdiction and cite the underage violator into the appropriate court where the consumption of the spirituous liquor took place.
- Cite [ARS 4-244.41](#) "Person Under Age 21 with Spirituous Liquor in Their Body" if the jurisdiction cannot be determined.

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3. C. Property/Evidence

- (1) When the purchase, consumption, or possession of liquor involves an underage person, samples of the alcoholic beverage will be impounded in glass, screw-top vials under the following circumstances:
 - The officer is unable to identify the beverage beyond a reasonable doubt, such as mixed drink in a glass.
 - The subject denies the beverage contains alcohol.
 - A substantial quantity is involved.
- (2) Disposition of the property/evidence will be listed in the IR.
 - A notation must be made regarding whether the officer impounded the liquor.
 - It will not normally be necessary to retain the liquor, but officers will consider the total circumstances of the incident in making this determination; for example, keg of beer or large quantities of liquor.
- (3) A description of the property/evidence will be listed in the IR (type, quantity, and brand name) whenever a juvenile commits a liquor offense as listed in [ARS 4-244.9](#).

D. Investigative Questions - The answers to the following questions should be documented in the IR:

- Was the suspect aware of the presence of the spirituous liquor?
- How far away from the liquor was the suspect?
- Were there others present who could have had access to the liquor?
- What was the suspect's physical condition, odor of alcohol on breath, watery or bloodshot eyes, and/or slurred speech?
- If the liquor was found in a vehicle, who owns the vehicle?
- Did the suspect admit to possessing the alcohol?

4. **PERSON UNDER THE AGE 21 WITH SPIRITUOUS LIQUOR IN THEIR BODY, [ARS 4-244.41](#)**

A. Investigative Procedures

- (1) Proof of Age - It must be determined the defendant was under the age of 21 by:
 - State driver license or identification card
 - Employment identification or school ID card with picture and date of birth
 - Statements from a relative, other than a spouse, or close friend, indicating the defendant's identity and age
 - Statements from an employer indicating the defendant's identity and age (It is best if the witness resides locally so they may be subpoenaed.)
 - MNI record, if it contains the date of birth and a photograph
- (2) If picture identification is utilized, include in the IR the type of identification, date of birth (DOB) and any numbers; for example, driver license or employee number.

B. Jurisdiction - If a person under the age of 21 is being charged with spirituous liquor in their body, [ARS 4-244.41](#), the investigating officer must:

- Determine where the actual act of consuming the spirituous liquor took place.
- Determine which court has jurisdiction and cite the underage violator into the appropriate court where the consumption of the spirituous liquor took place.

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4. C. Property/Evidence

- (1) When possible, a breath or blood sample needs to be obtained to show the presence of alcohol in their body.
- (2) Disposition of the evidence will be listed in the IR with a notation made if a breath or blood sample was obtained and the outcome of the sample.

D. Investigative Questions - The answers to the following questions should be documented in the IR:

- What was the age of the suspect?
- What lead the officer to believe the subject had consumed spirituous liquor?
- What was the suspect's physical condition, odor of alcohol on breath, watery or bloodshot eyes, and/or slurred speech?
- Where was the spirituous liquor consumed?
- Any other evidence of possession of or consumption of spirituous liquor?

5. **DISPOSITION OF UNDER AGE LIQUOR VIOLATORS**

A. Juvenile Liquor Violators – (Under 18 years of years of age)

- (1) Juvenile liquor violators who are 13 years of age or older may be arrested and issued an Arizona Traffic Ticket and Complaint (ATTC) for liquor violations of ARS Title 4; the Juvenile Arrest/Referral Worksheet section of the IR and Juvenile Affidavit are **not** required if an ATTC is being issued.
 - Supervisor approval is required to arrest a juvenile who is 12 years of age or younger.
 - Officers will notify a juvenile's parent or legal guardian in aggravated circumstances.
 - * If a relative or guardian is contacted but refuses to take custody of the child, the child may be fostered or detained.
- (2) A juvenile may be detained in aggravated cases.
 - If detained, the juvenile **will not** be issued an ATTC.
 - A Juvenile Arrest/Referral Worksheet and Juvenile Affidavit **must be** completed.
- (3) Juveniles being issued an ATTC will be cited into Maricopa County Juvenile Court Center (JCC), 3131 West Durango (see [Operations Order 7.8.00, Juvenile Procedures](#), for more information).
- (4) In cases where juveniles may be charged with **any** Title 13 offense/s (other than status offense [ARS 13-3622](#)), an ATTC **will not** be issued; the Juvenile Arrest/Referral Worksheet section of the IR and a Juvenile Affidavit **must be** completed listing **all** charges.
- (5) An IR will be completed for all juvenile liquor violations whether an ATTC is issued or the Juvenile Arrest/Referral Worksheet section of the IR and Juvenile Affidavit are completed.

B. Under Age Adult Liquor Violators - (18-20 years of age)

- (1) An IR must be completed for all underage adult liquor violators and they may be issued an ATTC or booked for liquor violations of ARS Title 4.
- (2) Underage adult violators will be cited into the City Municipal Court, 300 West Washington Street, for liquor violations within the City using the 10-day rule.

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